



AF/3632

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Group Art Unit 3632

Examiner J. Szumny

In re application of

William E. Adams IV

Serial No. 09/851,639

Filed May 9, 2001

PATENT APPLICATION

SUCTION HOLDER  
FOR RAZOR

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Buchanan Ingersoll, P.C.

REPLY BRIEF

In the Examiner's Answer mailed April 2, 2004, the Examiner states that claim 11 is allowed. Claims 1 through 10 have been rejected under Section 103 based upon the combination of four references:

Rendall which discloses a bracket having a magnet or suction cup to which a ring having a circular cross-section is attached;

Brown which discloses a hinge;

Adams '865 which discloses a suction cup with a one piece clip in which a portion of the clip having a circular cross-section fits in a circular base; and

Adams '356 which discloses a suction cup with a hook having a circular cross-section.

None of the references which disclose a suction cup contain the word hinge. The Brown reference does not contain the phrase suction cup. Despite this fact, the Examiner contends that

one skilled in the art would combine Brown with Rendall because "both Rendall '996 and Brown '408 concern pivoting hinge type structures" (Examiner's Answer, p. 10).

There is nothing in the suction cup art, Rendall, Adams '865 and Adams '356, which tells one skilled to look at hinges in designing a suction cup holder. The Examiner's failure to look at the hinge art during his initial review of the application confirms that one seeking to design a suction cup holder would not look at hinges.

The teachings of the relevant art is that rings and pins that pass through a bore in the head of a suction cup have circular cross-sections. There is nothing in any of the references to teach or suggest a multi-sided bore and ring with a multi-sided cross-section. Moreover, the Examiner has been unable to identify any reference which suggests or motivates one skilled in the art to modify the circular cross-section to any other shape. No such motivation exists.

Similarly, there is nothing in Brown to suggest that one use the hinges there disclosed or any parts thereof in combination with a suction cup.

In re Sernaker, cited in applicant's main brief, and a host of other cases say that a combination of references is not proper unless there is some teaching, suggestion or motivation in the references to make the combination. Where, as here, there is no such teaching, suggestion or motivation, the combination cannot serve as a basis for a determination that the claim is unpatentable.

For the foregoing reasons, the Examiner erred in rejecting claim 1 through 10. Reversal of the rejections of these claims is respectfully requested.

Respectfully submitted, .

A handwritten signature in cursive script, appearing to read "Lynn J. Alstadt".

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